

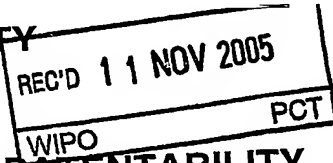
PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



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|--|--|--|----------------------|
| Applicant's or agent's file reference W 5039-023 | FOR FURTHER ACTION | | See Form PCT/PEA/416 |
| International application No. PCT/EP2004/010583 | International filing date (day/month/year) 22.09.2004 | Priority date (day/month/year) 30.09.2003 | |
| International Patent Classification (IPC) or national classification and IPC G06F9/46 | | | |
| Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | | |
| Date of submission of the demand 18.07.2005 | | Date of completion of this report 14.11.2005 | |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | | Authorized Officer Dewyn, T Telephone No. +31 70 340-2145  | |

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/010583

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-15 as originally filed

Claims, Numbers

1-18 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/010583

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-18 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-18 |
| Industrial applicability (IA) | Yes: Claims | 1-18 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

1. Reference is made to the following documents:

D1: US 2003/098821 A1 (ISHIZUKA MASAHIRO ET AL) 29 May 2003 (2003-05-29)
D2: WO 98/48566 A (MANKOVITZ ROY J ; GEMSTAR DEV CORP (US)) 29
October 1998 (1998-10-29)

2. The present application does not meet the requirements of Article 33(1) PCT, because the subject-matter of claims 1-18 does not involve an inventive step in the sense of Article 33(3) PCT.

- 2.1 Document D1 (page 4, [0086]-page 5, [0089]) discloses the following subject-matter of claim 1:

a main sequence of digital data (the game) is rendered, activation of an input (detecting of the incoming call, see [0088]) is sensed, the main sequence is interrupted, and other sequences are rendered (a ring tone is outputted, and the display is renewed to an incoming call screen, see [0088]).

The subject-matter of claim 1 differs from D1 in that in claim 1, the sequence that interrupts the main sequence is said to be a sub sequence, associated with the main sequence.

However, the terms "associated", and "sub sequence" do not have a well-recognised meaning in the context of claim 1, in the sense that it is not possible to deduce any clear technical effect or technical features from said terms. From a technical point of view, it is of little relevance whether the sequences disclosed in D1 deal with a similar content or not. The skilled person would apply the technique disclosed in D1, in order to interrupt a main ongoing activity with a temporary one in either case, without difficulty.

The subject-matter of claim 1 does therefore not involve an inventive step in the sense of Article 33(3) PCT.

For the same reasons, the subject-matter of corresponding device claim 10 and computer program product claim 18 does not involve an inventive step in the sense of Article 33(3) PCT.

Furthermore it is noted that the features of said claims correspond to standard interrupt processing, used for example to handle keyboard strokes, which is commonly known.

- 2.2 The subject-matter of dependent claims 2,11 does not involve an inventive step, since the main and sub sequence being of the same data type is a straightforward possibility.
- 2.3 The subject-matter of dependent claim 3 does not involve an inventive step, since D2 (page 7, line 19 - page 8, line 14, page 9, lines 16-27) discloses resumption of a main sequence (the television program) when execution of a sub sequence (PRI, or program-related information) is ended, where rendering of the main sequence is resumed at a position indicated by a resume flag (page 9, line 25). Since D2 deals with the same problem as said claim, namely resumption of an interrupted main sequence after ending a sub sequence, the skilled person would consider using the method of D2 to solve the problem posed.
- 2.4 The subject-matter of dependent claims 4,12 does not involve an inventive step, since it would be a straightforward possibility for the skilled person to use a predetermined time period or a predetermined number of iterations, in order to switch automatically between between two sequences of digital data.

D2 (page 9, lines 35,36) for example discloses a predetermined time period being used for this purpose. A commonly known example of using a number of iterations as trigger to make the switch, is waiting for a predetermined number of ring tones when calling somebody on a mobile phone, before another sequence is activated : the calling attempt is abandoned, also resulting in a changing display on the calling

mobile phone. In the case of a predetermined number of iterations being used, it would be an obvious possibility to use some sort of counter to monitor said number.

- 2.5 The subject-matter of dependent claims 5,13 does not involve an inventive step, since D1 (page 4, [0086] -page 5, [0089]) discloses their subject-matter : an input interface with several input means (the keys of the mobile phone, the radio signal from an incoming call), where activation of said input means are identified, and a sub sequence is retrieved from memory, associated with said input means (a ring tone is outputted, and the display is renewed to an incoming call screen, see [0088]).
- 2.6 The subject-matter of dependent claim 6 does not involve an inventive step, since D1 (page 4, [0088]) discloses its subject-matter : the main sequence (the game) and the sub sequence (the incoming call screen, ring tone), comprise digital images and audio data.
- 2.7 The subject-matter of dependent claims 7,8,14 does not involve an inventive step, since it would be a straightforward possibility for the skilled person to save sequences of digital data to be rendered, in order to be able to repeat the rendering of said data at later time.
- 2.8 The subject-matter of dependent claims 9,15 does not involve an inventive step, since it would be a straightforward possibility for the skilled person to transmit saved digital data to an external electronic device, in order to make it available on a network.
- 2.9 The subject-matter of dependent claims 16,17 does not involve an inventive step, since it is commonly known that digital data can be rendered on devices such as mobile radio terminals, pagers, electronic organizers, smartphones or mobile phones.